UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Calvin Roach	)
Plaintiff,	) Judgment in a Civil
vs.	) CV-04-0001-TUC-
State of Arizona;	) FRZ (NFF)
Cochise County; Hon. Judge Desens;	)
Pima County; Hon. Phillip Espinosa	)
Court of Appeald Div. II; and the	)
Superior Courts of Arizona in the	)
County of Cochise	)
Defendants.	)

DECISION BY COURT. This action came under consideration before the Court. The issues considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGE that the motion to stay (U.S.D.C. document #2) **IS DENIED.**

IT IS FURTHER ORDERED that the plaintiff's default judgement against Phillip Espinosa and Division Two of the Arizona Court of Appeals (U.S.D.C. Document #19) **IS DENIED.**

IT IS FURTHER ORDERED that the plaintiff's for default judgment against Pima County (U.S.D.C. document #20) **IS DENIED.**

IT IS FURTHER ORDERED that the plaintiff's motion for default judgment against Judge Stephen Desens (U.S.D.C. document #21) **IS DENIED.**

IT IS FURTHER ORDERED that the defendant Cochise County's Motion to Dismiss (U.S.D.C. document #21 and #23) IS Granted.

IT IS FURTHER ORDERED that the defendants State of Arizona, Division Two of the Arizona Court of Appeals, Cochise County Superior Court, Judge Espinosa, and Judge Desens' Motion to Dismiss (U.S.D.C. document #15) **IS GRANTED as to the Rooker-Feldman doctrine only.**

IT IS FURTHERED ORDERED that this case **IS DISMISSED WITH PREJUDICE.**

April 28, 2004

Richard Weare

Clerk

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

April 29, 2004

Calvin Roach	)
Plaintiff,	)
vs.	) CV-04-0001-TUC-
State of Arizona;	) FRZ
Cochise County; Hon. Judge Desens;	) ORDER
Pima County; Hon. Phillip Espinosa	)
Court of Appeald Div. II; and the	)
Superior Courts of Arizona in the County)	
Of Cochise	)
Defendants.	)

Pending before the Court are several motions filed by Plaintiff Calvin Roach. The first motion to stay "judgment" from the Arizona Court of Appeals and to stay "the time limit for filing a Motion for review with [the] Arizona Supreme Court." The remaining three are motions for default judgment against: (1) Defendants Judge Phillip Espinosa of the Court of Appeals, and Division Two of the Arizona Court of Appeals; (2) Judge Stephen Desens of Cochise County Superior Court; and (3) Pima County.

Also pending before the court are two motions to dismiss. Defendant Cochise County seeks to dismiss Roach's lawsuit for lack of jurisdictional matters based on the Rooker-Feldman doctrine. Defendants State of Arizona, Division Two of the Arizona Court of Appeals, Cochise County Superior Court, Judge Espinosa and Judge Desens, seeks to dismiss the case based on the Rooker-Feldman doctrine, and because (1) the State and its entities are entitled to immunity under the Eleventh Admendment, and (2) Judge Espinosa and Judge Desens are entitled to absolute judicial immunity.

Background

The issues raised in the complaint stems from rulings by Cochise County Superior Court Judge Desens in Roach's marital proceedings and from Roach's appeal of those rulings, which was resolved in the memorandum decision by Judge Espinosa of Division Two of the Arizona Court of Appeals[1].

All of Roach's allegations in his complaint are designated as violations of his constitutional rights. Roach alleges that, despite the fact that he stipulated to a division of his military retirement pay, Judge Desens, Roach's attorney, and his ex-

wife attorney divided the military pay incorrectly, in bad faith, and with fraudulent intent. He also alleges that Judge Desens ordered him to pay twice for his child's and step-son's medical and dental care. He also appears that Judge Desens should have been sanctioned for failing to recognize that ordering that Roach's ex-wife would have custody of Roach's child and step-son was not in the children's best interests.

He alleges that the Arizona Court of Appeals: (1) refuse to correct the erroneous division of his military pay, (2) failed to sanction Judge Desens when it overturned his ruling that Roach pay twice for his child's and step-son's medical and dental care, (3) failed to correct Judge Desens failure to make statutorily required by specific findings on the record concerning the best interests of the children, (4) misstate which issues Judge Desens had addressed, (5) erred in stating that Roach had admitted a domestic violence incident when all he had done was admit that he hit his ex-wife with a plate. Roach also contends that the Arizona Court of Appeals and Cochise County Superior Court deprived him of his constitutional rights by forcing him to expend money to appeal their erroneous rulings.

Roach also alleges that Judge Desens and the Arizona Court of Appeals permitted "State Statutes to be used to commit fraud" because his ex-wife attorney presented inaccurate information regarding hid ex-wife wages and their child's child care expenses.

[1] In recognition of the fact that the memorandum decision authored by Judge Espinosa was signed by Judge Espinosa and two other judges of Division Two of the Arizona Court of Appeals, the Court will refer to Judge Espinosa and Division Two of the Arizona Court of Appeals collectively as "the Arizona Court of Appeals."

He challenges the application of the Arizona child-support guidelines in his case, claiming that his ex-wife decision not to seek support from Roach's step-son's father ultimately increased the percentage of child-support that Roach had to pay for his own child. He also contends that he was deprived of the ability to use a "cafeteria plan" because the child support guidelines includes medical, dental and child care expenses as portion of his child support obligations. Finally, he contends that the "Family Court in the State of Arizona has created an unjust atmosphere in the County of Cochise and signaling to women that the Court will discriminate against the man regardless of faults." He alleges the Judge Desens and other judges in the Cochise County Superior Court are not impartial.

As relief in this case, Roach demands that his state court case and appeal be vacated and transferred to Maricopa County Superior Court and Division One of the Court of Appeals, respectively. He demands that "all of the Judges and citizens in the State of Arizona to include the Judges that are parties to [his] divorce case be held responsible for their malic[cious] acts, "State of Arizona be sanctioned and ordered to obey their State laws, rules of procedures and statutes and not attempt to cover up others['] misconduct," and that "everyone involved that conspired" be held responsible for the alleged miscalculations of the division of his military retirement pay and violating his constitutional rights. He also demands that the "Federal Bureau of Investigation (FBI) or other federal agency investigate family court practices of the last seven years" in Cochise County.

DISCUSSION

A. Motion to Dismiss

Both motions to dismiss seek dismissal on, among other grounds, the Rooker-Feldman doctrine. Under the doctrine, this court does not have subject matter jurisdiction over a federal case where "a plaintiff asserts legal wrong and allegedly erroneous decisions by a state court, and seeks relief from a state court judgment based on that decision." *Noel v. Hall,* 341 F. 3d 1148, 1164 (9th Cir. 2003). Such federal cases include those where the plaintiff complains of "harm caused by a state court judgment that withholds a benefit from (or imposes detriment on) the federal plaintiff, based on an allegedly erroneous ruling by that court" as well as those cases where a federal plaintiff complains of "a legal injury caused by state court judgment, based on allegedly erroneous rulings, in a case in which the federal plaintiff was one of the litigants. *Id.* at 1163. And it also includes cases where "the challenge to state court decision involves constitutional issues." *Branson v. Nott,* 62 F. 3d 287, 291(9th Cir. 1995).

Applying the Rooker-Feldman doctrine to this case, this court does not have jurisdiction over Roach's claim that errors by the state trial and appellate courts violates his constitutional rights and that those courts' rulings should be vacated. Nor does this court have jurisdiction over Roach's demand that this Court transfer his case and appeal to a different trial judge and different division of the Arizona Court of Appeals. *See Bianchi v. Rylaarsdam,* 334 F. 3d 895, 902 (9th Cir. 2003) (Bianchi wants a new hearing with a new panel of appellate justices-and, of course, he wants a different result. We cannot fathom, however, how a federal court could order this relief and command a state court to satisfy Bianchi's demands."). Nor does this Court have the jurisdiction to compel the Federal Bureau

of investigation to investigate domestic relations proceedings in Cochise County Superior Court. The Arizona courts, not this Court, are the appropriate place for Roach to direct his appeal, his request for transfer, and his allegations of judicial misconduct.

The Court rejects Roach's objection to Defendants State of Arizona, the Arizona Court of Appeals, Cochise County superior Court, Judge Espinosa, and Judge Desens' motion to dismiss because their attorneys did not file a formal notice of appearance.

Although Rule 1.7(a) of the Rules of Practice of the United States District Court for the District of Arizona (the Local Rule) states that "no attorney shall appear in any action or file anything in any action without first appearing as counsel of record," the Court concludes that, in this case, the attorneys for these Defendants adequately provided the Court and Roach with notice of appearance as counsel of record when they filed the motion to dismiss and answer on the clients' behalf. Thus, Roach objection fails[2].

Because the Court will grant the parties' motion to dismiss under the Rooker-Feldman doctrine, the court will not address the alternative grounds for dismissing this case against the State of Arizona, Division Two of the Arizona Court of Appeals, Judge Espinosa, Cochise County and Judge Desens.

B. Default Judgment

Roach has filed motions for default judgment against Judge Espinosa, Division Two of the Arizona Court of Appeals, Judge Desens, Pima County, claiming that they failed to timely answer his complaint. He is wrong.

Pima County was served on January 5, 2004. Pima County filed an answer, and mailed a copy to Roach, on January 20, 2004. Judge Espinosa and Judge Desens were served on January 5 and 7, 2004, respectively[3]. These defendants filed their answer, and mailed a copy to Roach, on January 26, 2004. The answers were timely filed. *See* Fed. R. Civ. P. 12(a)(1)(A) (requiring answering within twenty days after being served with the summons and complaint); Fed. R. Civ P. (6a) (Extending the deadlines for filing when it falls on a Saturday, Sunday, or legal holiday). Thus, the Court will deny the motions for default judgment. Thus, the Court will deny the motions for default judgment.

[2] The Court notes that Roach himself has not strictly complied with the requirements of the Local Rules. He did not file a Civil Cover Sheet as required by Local Rule 1.9(g)(1). In addition, his January 7, 2004 "Amend Complaint [;] Amend Claim for relief [;] List of Documents (Evidence)" fails to comply with the title page requirements of Rule 1.9(a). Despite these failings, the Court has considered his pleadings and arguments.

[3] Although Roach contends in his motion for default judgment that the Arizona Court of Appeals was served on January 6, 2004, there is nothing in the record to suggest that the Arizona Court of Appeals was served on that, or any other, day.

C. Motion to Stay

Roach has filed a motion to stay "the judgment from the Court of Appeals, Division Two[,] dated November 24, 2003," and to stay "time limit for filing a Motion for Review with [the] Arizona Supreme Court." Assuming that this Court has the authority to stay those deadlines, a dubious position at best, the Court, in its discretions declines to do so.

Conclusion

In light of the foregoing,

IT IS ORDERED that the Plaintiff's Motion to Stay (U.S.D.C. document #2) is **DENIED.**

IT IS FURTHER ORDERED that Plaintiff's Motion for Default Judgment against Pima County (U.S.D.C document #20) **IS DENIED.**

IT IS FURTHER ORDERED that Plaintiff's Motion for Default Judgment against Judge Stephen Desens (U.S.D.C. document #21 and #23) are **DENIED.**

IT IS FURTHER ORDERED that Defendant Cochise County Motion to Dismiss (U.S.D.C. document #12) is **GRANTED.**

IT IS FURTHER ORDERED that Defendants State of Arizona, Division Two of the Arizona Court of Appeals, Cochise County Superior Court, Judge Espinosa, and Judge Desens' Motion to Dismiss (U.S.D.C. Document #15) is **GRANTED** as to the Rooker-Feldman doctrine only.

IT IS FURTHER ORDERED that this case is **DISMISSED WITH PREJUDICE.**

The Clerk of the court is directed to enter judgment accordingly.

DATED this 27th day of April, 2003.

Frank R. Zapata,

United States District Judge

Appendix C

Opening Brief to Ninth Circuit Court

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Calvin P. Roach CASE NO. 04-16178

Appellant/Petitioner

vs.

Pima County and Cochise County and State of Arizona and
Hon. Phillip Espinosa and Hon. Stephen Desens

Appellee/Respondent

APPELANT'S OR PETITIONER'S OPPENING BRIEF

1. Jurisdiction

a. Timeliness of Appeal or Petition:

(i) Date of entry of judgment or order of District court: 27 April 2004

(ii) Date of Services of any motions made after judgment N/A

(iii) Date of Entry of Order deciding motion N/A

(iv) Date notice of appeal or petition filed 21 May 2004

(v) For Prisoners, date you gave notice of appeal to prisoner authorities N/A

b. PLEASE ATTACH ONE COPY OF THE FOLLOWING:

1. The order from which you are appealing
2. The district court's entry of judgment

3. the district court docket sheet

2. What are the facts of your case?

I filed a lawsuit against the defendants in this case for because of their organized criminal conduct. All of the defendants answered the complaint except Cochise County. I filed a default judgment against all of the defendants that did not properly file a motion of substitution for representation; therefore, I'll know whom I am responding to and for what defendant. Each defendant filed a motion to dismiss. The court dismissed the complaint for lack of jurisdiction, Rooker-Feldman's Doctrine ONLY. This case never went to trial. I am now appealing that order.

3. What did you ask the district court to do for example, award, damages, give injunctive relief, order release from prison, etc.)? Injunctive relief in the form of:

I demand that the trial case # 2 CA-CV 2001-0215 (D0200000410) removed from the Jurisdiction of State Courts of Arizona, County of Cochise and the Court of Appeals Division II that is located in Tucson Arizona and be delivered to the Superior Court in the County of Maricopa and Division I Courts of Appeals in the State of Arizona. All cost related to this case be taxed to Pima County and Cochise County. The State and counties are obligated by Federal Constitution that every citizen of the United States is obliged a fair trial, due process, both administrative and judicial – that processed I was not afforded. This is to include that the Orders giving in this case by the Superior Courts of Arizona and The Court of Appeals be vacated. I am entitled to an impartial judge and setting by the United States Constitution. There are too many bias judges in Cochise County and on the Courts of Appeals, Division II. The 14th amendment of the United States Constitution states, "A defendant has a constitutional right not to be tried before a judge who is bias against him." Milligan v. Stone, DC Cal.1976, 424 F.Supp 1088.

I demand that all of the Judges and citizens in the State of Arizona to include the Judges that are parties to my divorce case be held responsible for their malice acts. The United States Constitution gives State judges absolute immunity from civil remedies only.

I demand that the State of Arizona be sanctioned and ordered to obey their State laws, rules of procedures and statutes and not to attempt to cover up others misconduct.

I demand that the Federal Bureau of Investigation (FBI) or other Federal agency investigate the family court practices of the last seven years

that were held in the County of Cochise to determine the extend of damage the Judges of the Superior Court for the County of Cochise has caused as well as fraudulent or bias findings and rulings. Upon final determination Judges that had taken part to misuse the judicial system be held responsible for their acts.

I demand that I be protected from the State of Arizona from all criminal and civil allegations that they may try to trump me with arising from prior till the conclusion of this case.

I demand that everyone involved that conspired against me by violating 10 USC 1408 and my Constitutional Rights be held responsible under Federal Statutes and Titles.

Request reasonable attorney fees, court costs and preparation fees. These fees should be granted because I would not have to suit the State if the state abided by both State and Federal Constitution.

4. State your claim or claims you raised at district court.

a. The Court conspired with attorney's to extort monies due to me and direct the monies to my ex-wife.

b. State judges willfully neglected to enforce both State and Federal Law.

c. The State created and enforced State statutes to allow party to commit fraud. This is a direct violation of the 14th amendment.

d. The State of Arizona created a bias atmosphere that includes appeal judges to miss state court document in support of attorney misconduct.

e. The State acknowledges the fact that the family court judge failed to abide by the laws and punished me for the judge failing to abide by the statute.

f. I was not afforded impartial judges even at the appeal level. The appeal judge made claims for the family court judge that the family court judge did not make.

g. Judges uses state court to allow my ex-wife to use family court for acts that violated my equal protection of law guarantees under the US Constitution.

h. State enforced child-care on top of my child support, medical and dental insurance preventing me from taking advantage of IRS 125 program.

i. The family court in Cochise County is bias and made it clear of

their negative feelings toward men.

5. What issues are you raising on your appeal?

The issues that I am raising on this appeal are:

- Dismissing the case under the Rooker-Feldman Doctrine
- Giving the state judges immunity in this case
- Denying the motion of stay
- No default judgment against Cochise County for failing to answer the complaint; instead they filed a motion to dismiss

This case was dismissed with prejudice under the Rooker-Feldman's Doctrine. This doctrine is only applicable to appeals from state court. The premise of this case is new questions in determining conspiracy against men in family court by state officials. This case should not have been dismissed with prejudice for lack of jurisdiction because the district court has jurisdiction to this case. The United States Supreme Court have ruled that state judges in some instances cannot enjoy immunity for their behavior unless it is for damages (money) **Dennis v. Sparks, 449 US 24; 101 S. Ct. 183; 66 L. Ed 2d 185 (1980):**

"n1 All defendants moved to dismiss, the judge asserting judicial immunity and other defendants urging dismissal for failure to allege action "Under Color" of state law, a necessary component pf a §1983 cause of action. The District Court concluded because this injunction was within the jurisdiction of the State court, the judge was immune from liability in a §1983 suit, whether or not the injunction had issued as the result of corrupt conspiracy.

n6 A state judge can be found criminally liable under §242 although that judge may be immune from damages under §1983...In either case the judge acted under the color of state law...

But there is no similar constitutionally based privilege immunizing judges from being required to testify about their judicial conduct in third-party litigation. Nor has any demonstration been made not only protected the judge from liability but also excused him from responding as a witness..."

Because this case is not under 42 USC 1983, I am obligated to have my day

in court against the defendants in my quest to show conspiracy. Also, this case should not have been dismissed with prejudice because under 42 USC 1983, I can bring a lawsuit against the individuals that conspired with the state, even though state judges are immune.

In **Smith v. Ames 169 US 466 (1898)**, the Supreme Court ruled Suits against individuals for purpose preventing them, as officers of state, from enforcing unconstitutional enactment to injury of rights of plaintiff, is not suit against state within the meaning of the 11th amendment. From the start of this suit, it was to prevent officers of the state from enforcing unconstitutional enactments against myself. During the preliminaries upon entering all my evidence I then could have filed a motion to reclassify this case as a class-action suit, not being for monetary damages.

Furthermore, in **Schever v. Rhodes (1974), 416 U.S. 232, 40 L.Ed. 2d 90**, the U.S. Supreme Court stated that the 11th amendment provides no shield for state official confronted by claims that they deprived another from Federal Rights under the color of state law in actions for damages. Because judges are shielded when the damages are seek are monetary, this interpretation would not apply because this case is not a suit for financial damages. Cleary in **Blaylock v. Schwinder, 862 F.2d 1352**, the 11th amendment bars civil right actions against state official capacity since suit sought monetary damages. The U.S. Supreme Court made it clear that State judges are not guaranteed immunity by acts they commit even on official duty **Pulliam, Magistrate For the County of Culpeper, Virginia v. Allen (1984), 466 U.S. 522; 104 S.Ct. 1970; 80 L.Ed. 2d 565 n1**

"Respondent Allen also challenged the failure of the trial judge to provide a first appearance, to appoint counsel, and to advise Allen of his rights during incarceration. The District Court dismissed the claim against the trial judge because "he played no direct role in the pretrial detention of either plaintiff." App. 31-32.

n7 Although there were no injunctions against common-law judges, there is a common-law parallel to the§ 1983 injunction at issue here. That parallel is found in the collateral prospective relief available against judges through the use of the King's prerogative writs. A brief excursion into common-law history helps to explain the relevance of these writs to the question whether principles of common-law immunity bar injunctive relief against a judicial officer.

n17 When the question is whether a federal court should enjoin a pending state-court proceeding, "even irreparable injury is insufficient unless it is 'both great and immediate.'" Younger v. Harris, 401 U.S. 37, 46 (1971), quoting Fenner v. Boykin, 271 U.S 240, 243-244 (1926). See discussion at n. 19, infra

n20 If the Court were to employ principles of judicial immunity to enhance further the limitations already imposed by principles of comity and federalism on the availability of injunctive relief against a state judge, it would foreclose relief in situations where, in the opinion of a federal judge, that relief is constitutionally required and necessary to prevent irreparable harm. Absent some basis for determining that such a result is compelled, either by the principles of judicial immunity, derived from the common law and not explicitly abrogated by Congress, or by Congress' own intent to limit the relief available under § 1983, we are unwilling to impose those limits ourselves on the remedy Congress provided.

n21 The Court assumed that the judge was performing a ministerial rather than a judicial function. It went on to conclude, however, that even if the judge had been performing a judicial function, he would be liable under the statute, 100 U.S., at 348-349.

[4] Much has changed since the Civil Rights Acts were passed. It no longer is proper to assume that a state court will not act to prevent a federal constitutional deprivation or that a state judge will be implicated in that deprivation. We remain steadfast in our conclusion, nevertheless, that Congress intended § 1983 to be an independent protection for federal rights and find nothing to suggest that Congress intended to expand the common-law doctrine of judicial immunity to insulate state judges completely from federal [*34] collateral review.

n23 As further indication of Congress' intent that § 1988 apply to judicial officers, the House Report contains a citation to Pierson v. Ray, 386 U.S. 547 (1967). Petitioner suggests that the citation to Pierson refers to another aspect of the decision, regarding qualified immunities of officials in the Executive Branch. We see no need to adopt such a strained interpretation. The House Report clearly referred to public officials against whom damages were precluded, as well as those against whom damages were limited. Of the three cases cited by the House Report, only Pierson involved complete preclusion of a damages award."

Evan though state judges enjoy the immunity from 42§1983, they can be found criminally liable under 18 USC 242, **(Dennis v. Sparks (1980), 449 U.S. 24; 101 S. Ct. 183; 66 L. Ed. 2d 185)**. The courts have authority to get the FBI to investigate the mob-related activities conduct of the State Court of Arizona, **Virginia v. Allen**-n17. The US Supreme Court found nothing to exclude judges from collateral review and the State of Arizona has laws that allow the court actions when reviewed.

In the complaints I submitted for this case, I have showed reasonable doubt about judges using family court to conspire with women against myself and

other men to rob them of their guaranteed rights that included court cases where the judge basically stated that he didn't believe in the law. I have shown that the judges in this case behavior was not good and that violates **Article III, Section 1 of the United States Constitution, "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office".**

Under this section of the US Constitution, judges are entitled to hold office and receive compensation for their service only for good behavior. The behavior shown by several of judges in the Superior Court of Arizona, County of Cochise is far from being good. Bad behavior from Cochise County judges in habitual and a normal way of doing business in family court. This behavior is echoed by the Court of Appeals, Division II as shown in the complaint of the lawsuit. This case should not have been dismissed.

The district court judge erred on dismissing eh Motion of Stay even though the district court judge considered himself in a dubious position. The defendants gave jurisdiction on that matter to the federal government by not opposing the motion. The defendant's agreed to the motion of stay by not filing any opposition to the motion that is required under federal rules.

6. Did you present all of these issues to district court?

Yes/No YES If not, why?

I did not raise the issue for default judgment against Cochise County attachment three of the federal form, Summons in a Civil Case states: **"YOU ARE HEREBY SUMMONED** and served on PLAINIFF"S ATTORNEY an answer to the complaint on which is served on you in this summons, _____..., if you fail to do so, judgment by default will be taken against you for the claim for the relief demanded in the complaint."

Respondent/defendant's did not file an answer and the State cannot use a Motion for Dismiss as an ANSWER and visa versus, especially if the document does not state that it is used for both statuses. The taxonomy of the document purposes is different.

7. What law supports these issues on appeal? (You may, but need not, refer to cases or statutes)

US Constitution, Article III, Section 1

Smith v. Ames,	169 US 466 (1898)
Schever v. Rhodes,	416 US 232 (1974), 40 L. Ed 2d 90
Pulliam v. Allen	466 US 522 (1984); 104 S. Ct 1970; 80 L. Ed 2d 565
Blaylock v. Schwinder,	862 F. 2d 1352

8. Do you have any other cases pending this court? If so, give the name and docket number of each case. No
9. Have you filed any previous cases, which have been decided by this court? If so, give the name and docket number of each case. No
10. For Prisoners, did you exhaust all administrative remedies for each claim prior to filing your complaint in district court? N/A

Appendix D

Appeal to the Ninth Circuit Court of Appeals

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
95 Seventh Street
Post Office Box 193939
San Francisco, California 94119-3939

April 27, 2005

USDC, Tucson
District of Arizona (Tucson)
U.S. Courthouse
Tucson, AZ 85701

No.	Title Agency/D.C. No.	
04-16178	Roach v. State of AZ	CV-04-00001-FRZ

Dear Clerk:

The following document in the above listed cause is being sent to you under cover of this letter.

- *Certified copy of the Decree of the Court*

The record on appeal will follow under separate cover. Please acknowledge receipt on the enclosed copy of this letter.

Very truly yours,
Cathy A. Catterson
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CALVIN ROACH,	) No. 04-16178
	) D.C. No. CV-04-00001-FRZ
Plaintiff - Appellant,	)
	)
v.	)
	) **JUDGMENT**
STATE OF ARIZONA; et al.,	)
	)
Defendants – Appellees.	)

Appeal from the United States District Court for the District of Arizona (Tucson).

This cause came on to be heard on the Transcript of the Record from the United States District Court for the District of Arizona (Tucson) and was duly submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is **AFFIRMED**.

Filed and entered Monday, April 04, 2005

Calvin Roach

1777 Calle Ventana

Sierra Vista, AZ 85635

04-16178

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CALVIN ROACH, Plaintiff - Appellant,)FRZ	)No. 04-16178)D.C. No. CV-04-00001
v.	)
STATE OF ARIZONA; et al.,	) **MEMORANDUM**
Defendants – Appellees.	)

Appeal from the United States District Court
For the District of Arizona
Frank R. Zapata, District Judge, Presiding

Submitted March 23, 2005**

Before: B. FLETCHER, TROTT, and PAEZ, Circuit Judges.

Calvin Roach appeals pro se the district court's dismissal for lack of subject matter jurisdiction of his 42 U.S.C. § 1983 action alleging constitutional violations arising from his marital dissolution proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Bianchi v. Rylaarsdam*, 334 F.3d 895, 898 (9th Cir. 2003), and we affirm.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Because Roach's complaint asserted claims relating to the allegedly erroneous rulings of the Cochise County Superior Court and the Arizona Court of

Appeals, and sought to have the state court judgments vacated, the district court properly dismissed his action under the Rooker-Feldman doctrine. *See Noel v. Hall*, 341 F.3d 1148, 1163 ("It is a forbidden de facto appeal under Rooker-Feldman when the plaintiff in federal district court complains of a legal wrong allegedly committed by the state court, ands seeks relief from the judgment of that court.").

Roach's remaining contentions lack merit.

Roach's motion to file one combined reply brief is granted.

AFFIRMED.